

REMARKS

Claims 8 and 21-30 are pending in the above-identified application. Claims 8 and 21-30 are rejected under 35 U.S.C. §102(b) as being anticipated by Kreger (*Web Services Conceptual Architecture* (WSCA 1.0), May 2001). Claim 25 has been amended to address some minor punctuation issues. Claims 8, 24 and 27 have been amended to further clarify that which Applicants' consider a novel feature of the disclosed technology, specifically that the quality of service (QoS) information is provided by the provider sites, which is supported in the Specification at ¶[0059], and accumulated by the management site, which is supported in the Specification at ¶[0098].

Applicants submit that these amendments and remarks overcome all of the Examiner's outstanding objections and rejections and bring the present Application into condition for allowance. Entry of this amendment and a notice of allowance of all the remaining claims are therefore respectfully solicited.

Rejections Based on §102(b)

Claims 8 and 21-30 are rejected under 35 U.S.C. §102(b) as being anticipated by Kreger. With respect to claims 8, 24 and 27, Kreger does not disclose the new limitations, specifically that quality of service (QoS) information is provided by the provider sites or that QoS information is accumulated by the management site. Therefore, Applicants respectfully request withdrawal of the §102(b) rejections of claims 8, 24 and 27.

With respect to claims 22, 25 and 29, the current Office Action, dated December 8, 2009, (O.A.) mischaracterizes "historical data" as Applicants' "number of times the software service has been used, frequency of use of the software service; execution time of the software service, and maintenance time for the software service." It should be noted that claims 23, 26 and 30, which depend upon the same independent claims as claims 22, 25 and 29, refer to "service history," which according to the principle of claim differentiation would imply that the relevant elements of claims 22, 25 and 29 are different than "service history."

In addition, claims 21-23, 24, 25 and 27-30 are allowable because each depends upon an allowable independent claim. Therefore, Applicant respectfully requests withdrawal of the §102(e) rejections of claims 8 and 21-30.

"The identical invention must be shown in as complete detail as is contained in the claim." (MPEP §2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). "All words in a claim must be considered in judging the patentability of that claim against the prior art." (MPEP 2143.03, citing *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)).

CONCLUSION

In light of the amendments and remarks made herein, Applicants submit that all pending claims are allowable and earnestly solicits notice thereof. Applicants are not conceding in this application that the unamended claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution of the allowable subject matter. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation and/or divisional patent applications. It is believed that no fees are due with the filing of this Amendment/Response. However, should any other fees be due, the Commissioner is hereby authorized to charge such fees to the deposit account of IBM Corporation, Deposit Account No. 09-0447.

Respectfully submitted.

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